

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5683) to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States, as amended.

The Clerk read as follows

H.R. 5683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as "a lasting memorial to the dead of the First and Second World Wars and the Korean conflict" and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multifaceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.

(a) ACQUISITION.—To effectuate the purpose of section 116 of division E of Public Law 108-447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right,

title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) COMPENSATION.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

(c) MAINTENANCE.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to ask my colleagues' support for H.R. 5683, the

Mt. Soledad Veterans Memorial Protection Act. Since 1954, a 29-foot cross has stood atop Mt. Soledad in San Diego, California, memorializing the sacrifices of American soldiers during World War I, World War II, and the Korean conflict.

This beautiful and historic memorial cross was erected and is maintained by a private organization, the Mt. Soledad Memorial Association, with the permission of the city of San Diego.

Over the years, the memorial association has added many elements to this memorial, including over 1,700 granite plaques commemorating individual servicewomen and men on concentric walls, bollards, pavers, and a flag pole proudly flying the American flag. The memorial cross now is fully integrated as a centerpiece of the multifaceted Mt. Soledad Veterans Memorial. It is without question a world-class war memorial, dedicated to all of those, regardless of race, religion or creed, who have served our armed services.

In 1989, a single plaintiff brought suit against the city of San Diego because he stated he was offended by the sight of the cross. The district court found that presence of this memorial cross violated the California Constitution's guarantee of free exercise and enjoyment of religion without discrimination or preference and ordered the removal of the display.

The city of San Diego, like other municipalities faced with similar court orders, endeavored in good faith to divest itself of the memorial property by selling it to a private party who could choose to display the memorial cross.

In this case, however, the Ninth Circuit Court of Appeals found that the method of sale violated the California Constitution's ban on aid to sectarian purposes. On May 3, 2006, the district court ordered the city of San Diego to comply with the original injunction.

The city has appealed that order to the Ninth Circuit Court of Appeals, and the United States Supreme Court Justice Anthony Kennedy has stayed enforcement of the order pending the outcome of that appeal.

In 2004, the United States Congress designated the Mt. Soledad Veterans Memorial a National Veterans Memorial and authorized the Federal Government to accept the donation of the memorial from the city of San Diego. The voters of San Diego passed, by an overwhelming 76 percent, a ballot measure providing for the donation. But in response to a complaint by the same lone plaintiff, a San Diego County superior court judge invalidated the citywide referendum as violating the California Constitution.

The vast majority of the citizens of the city of San Diego favor finding a way to keep the Mt. Soledad Memorial intact, even if that means giving up ownership of the parkland property on which it is located.

A 1994 ballot measure authorizing the sale of the property also passed with 76